

TENNESSEE BOARD OF COMMUNICATION DISORDERS AND SCIENCES

DATE: September 19, 2011
TIME: 12:00 Noon, CST
LOCATION: Health Related Boards
Poplar Room
227 French Landing
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Lynne Harmon, M.A., CCC-SLP, Speech Language Pathologist, Chair
Valerie Matlock, Ed.D, Audiologist, Vice-Chair
Terri Philpot, M.S., CCC-SLP, Speech Language Pathologist
John Ashford, Ph.D., CCC-SLP, Speech Language Pathologist

BOARD MEMBERS

ABSENT: Whitney Mauldin, Au.D, CCA, FAAA, ABA, Audiologist
O. H. Shorty Freeland, Citizen Member

BOARD STAFF

PRESENT: Stacy Tarr, Board Administrator
Brian Sims, Assistant General Counsel

Mr. Sims opened the teleconference and informed the committee that in order to ensure all requirements are met to have a valid teleconference there are several formalities that must be first accomplished, each of which will require a roll call. Mr. Sims asked that each member introduce themselves for the record. Board Members that were in attendance introduced themselves.

Mr. Sims asked Ms. Harmon if this constitutes a quorum of the Board? Ms. Harmon affirmed that a quorum was present.

Mr. Sims informed the Board that this is an electronic meeting as provided for in Tennessee Code Annotated 8-44-108, allows for meetings to be held by electronic or other means when a “necessity” arises. A “necessity” arises when “the matters to be considered by the governing body at that meeting (1) require timely action by the board, (2) that physical presence by a quorum of the members is not practical within the period of time requiring action, and (3) that participation by a quorum of the members by electronic or other means of communication is necessary.” In order for this board to participate in this teleconference, the board must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.

Mr. Sims stated that any vote taken today must be by roll call vote.

Mr. Sims stated, with respect to the issue of “necessity,” for consideration today is that on July 27, 2011, the Tennessee Joint Government Operations Committee entered a 60 day stay for the Council for Hearing Instrument Specialists’ fee rules, Rule 1370-02-.06, would expire on September 25, 2011. The Board of Communication Disorders and Sciences has until September 25, 2011, which is 6 days from today, to

approve the action taken by the Council for Hearing Instrument Specialists on September 15, 2011. I would presume that based on the schedules of the board members and their location throughout the state that it would be highly unlikely that a quorum of the members could meet prior to that time. Given that fact, I would presume that the board finds it necessary to consider this matter today by teleconference.

Ms. Philpot made the motion that the necessity exists based on the fact that the meeting is to approve the action taken by the Council for Hearing Instrument Specialists on September 15, 2011, it requires timely action and a physical quorum is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic means of communication is necessary to vote on this issue. Dr. Matlock seconded the motion. A roll call vote was taken with each member voting in the affirmative.

Mr. Sims stated that this teleconference meeting is for the limited purpose of considering the final order and determining how the board will proceed. This is not a time for members of the public to address the board or to discuss the underlying details or facts of the case with the board. At the conclusion of the board's discussion, which will be led by the Board chair, the board will decide how it wants to proceed and then take a roll call vote on the board's position.

Mr. Sims stated, to avoid confusion, it may be easier if we label the packets you received from Ms. Tarr. The Hearing Instrument Specialists fiscal analysis will be labeled as "Packet 1", the first set of fee rules they initially passed will be "Packet 2" and the new set of fee rules will be "Packet 3".

Ms. Harmon asked why the Council for Hearing Instrument Specialists decided to drop most of the fee rules they came up with.

Mr. Sims stated, if you look at Packet 1, the only difference is on page 1 where it lists "Grants and Subsidies", that was actually done in error, it was credited back. So in looking at their current year net, it would be around \$10,000.00. However, if you look at page 2 we only have the direct expenditures, not the indirect expenditures. The Council had revenue of \$51, 239.25.

Ms. Philpot made a motion, seconded by Dr. Matlock, to approve Rule 1370-2-.06 (b) The Government Operations Fee of \$300.00. A roll call vote was taken with each member voted in the affirmative.

Ms. Philpot made a motion, seconded by Dr. Matlock, to adjourn at 12:25 p.m. The motion carried.